



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/177,356	10/23/1998	FRANCIS J. MAGUIRE, JR.	313-010-1	2996

4955 7590 08/10/2005

WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/177,356

Applicant(s)

MAGUIRE, JR., FRANCIS J.

Examiner

Jason P Salce

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 22-24, 26 and 28-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 22-24, 26 and 28-32 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the arguments expressed in the Appeal Brief filed on 9/29/2004, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Applicant argues that Gallery is not of record, because the proper form has not been entered. The examiner has provided the references cited form, thereby officially making the Gallery reference, of record.

Notice of Non-Compliance with the Requirements of 37 CFR 41.37(d)

3. The brief does not contain the items of the brief required by 37 CFR 41.37(d) under the appropriate headings and/or in the order indicated. Each issue should be treated under a separate heading.

The brief does not contain a heading identifying "Ground of rejection to be reviewed on appeal" as required by 37 CFR 41.37(d).

The brief does not contain a heading identifying the "Evidence appendix" as required by 37 CFR 41.37(d).

The brief does not contain a heading identifying the "Related proceedings appendix" as required by 37 CFR 41.37(d).

The brief's heading "Summary of Invention" should be "Summary of Claimed Subject Matter".

Appellant is required to comply with the provisions of 37 CFR 41.37(d).

Interview Summary

4. An interview was conducted on 01/05/2005 in an attempt to expedite prosecution of the instant application. The contents of the Interview Summary are provided with this Office Action (see separate Interview Summary Sheet).

Response to Arguments

Applicant's arguments filed in the Reply Brief dated 9/24/2004 have been fully considered in regards to claims 1-5, but they are not persuasive.

As discussed in the interview summary, the claims are broad and do not discuss the physical movement of the user's head in response to the attitude control signal. The term "attitudinal movement" is broad and can not only cover the physical guidance of a user's head by the passive display device, but always can be interpreted to mean the movement of the user's eyes and/or head in response to the video being displayed on the display device. For example, if a viewer is watching incoming recorded video over a network taken from a camera at a remote location, if the camera man films a video that

Art Unit: 2614

shows an object in the top left corner of the screen the user's eyes and/or head can be moved in order to view the object in that portion of the screen. The same attitudinal movement can be made for when the object is then shifted to bottom right corner of the screen.

Applicant's arguments, see Reply Brief, filed 9/24/2005, with respect to the rejection(s) of claim(s) 22-24, 26 and 28-32 under U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration and searching through the prior art, a new ground(s) of rejection is made in view of Chung.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (U.S. Patent No. 6,611,285) in view of Petelin et al. (U.S. Patent No. 5,436,542).

Referring to claim 1, Morita discloses a video camera for providing video signals indicative of said video images captured by said video camera (see element 204 in Figure 2).

Morita also discloses a first display, responsive to said video signals, for providing said video images for viewing by a first user (see element 201 in Figure 2 and Column 6, Lines 50-51).

Morita also discloses an n-axis sensor, responsive to n-axis first display motions caused by said first user, for providing an n-axis attitude control signal for controlling said video images captured by said video camera (see a pointing device 205 in Figure 2 for providing motions (using a mouse), which provides an attitude control signal to control the camera 204) and therefore control the video images captured by the video camera (see Column 7, Lines 35-41).

Morita also discloses one or more second displays, responsive to said video signals, for providing said video images for viewing by one or more corresponding second users (see elements 501A through 501C in Figure 13 and Column 9, Lines 24-31) and responsive to said n-axis attitude control signal for executing n-axis second display motions emulative of said n-axis first display motion (see Column 11, Lines 62-67 and Column 12, Lines 1-8).

Morita fails to disclose a platform for mounting the video camera thereon, responsive to an attitude command signal, for executing platform motions emulative of the first display motions.

Petelin discloses a motorized camera mount that can be controlled based on a first user's display motions (see Column 1, Lines 42-61 and Column 3, Lines 45-61).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the camera (element 204 in Figure 2), as taught by

Art Unit: 2614

Morita, to utilize the camera mount, as taught by Petelin, for the purpose of remotely enabling a user to adjust the camera position (see Column 1, Lines 35-38 of Petelin).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 2-4 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Morita (U.S. Patent No. 6,611,285).

Referring to claim 2, Morita discloses a reality engine (camera) for providing an image signal indicative of images taken from various attitudes (angles) (see element 204 in Figure 2 for capturing images instructed by the viewer).

Morita also discloses a telepresence server (element 510 in Figure 5), responsive to said image signal, for providing said image signal (see Column 6, Lines 48-51) and attitude control signal to at least one attitudinally actuatable display (elements 500a-500c in Figure 5) via a telecommunications network (element 505 in Figure 5) for attitudinally actuating said display for guiding a viewing attitude of a user (see Figures 3 and 4 and Column 6, Lines 50-67 for changing the attitude of the view by adjusting the angle of the camera) and for displaying said images for said user of said

Art Unit: 2614

attitudinally actuatable display for passively viewing said images from said various attitudes (see Column 6, Lines 49-50 for a view window for displaying the video at the adjusted camera angles). The examiner notes that when an image is moving that the viewer's eyes and head move to follow the moving image on the screen, and therefore provides an attitudinally actuatable display.

Referring to claim 3, Morita discloses that the telepresence server provides access to a camera for an active user of a display attitudinally actuatable by said active user for providing said attitude control signal to said camera and to said telepresence server (see Figure 13 for an active user represented by element S501, who sends attitude control signals to the camera through server 510 (also see Column 11, Lines 62-67 and Column 12, Lines 1-8).

Referring to claim 4, Morita discloses that the telepresence server is for providing access to said camera for a director (note that the active user in Figure 13, is the only one that control the camera view, and therefore, is inherently a director because he/she is directing the movement of the camera).

8. Claim 5 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gallery (U.S. Patent No. 5,900,849).

Referring to claim 5, Gallery discloses an n-axis display platform (see the head mount of the HMD (element 16) in Figure 3), responsive in a passive mode to an attitudinal control signal, for guiding a user's head to execute attitudinal movements (see Column 2, Lines 23-28 for guiding a user's head by sending an alarm signal to help

Art Unit: 2614

the user avoid a dangerous area), and responsive in an active mode to attitudinal movements of a user's head for providing sensed signals indicative of said attitudinal movements (see Column 2, Lines 14-17 for providing signals representing positional changes of the HMD).

Gallery also discloses a display connected to said n-axis platform, responsive to a video signal, for displaying images corresponding to said attitudinal movements (see element 60 in Figure 3 and Column 2, Lines 17-20).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 22-24, 26 and 28-32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chung et al. (U.S. Patent No. 5,124,805).

Referring to claim 28, Chung discloses a display device (see display mount device 1 in Figure 1).

Chung also discloses a display 2 (see Figure 7) mounted on a first platform part (see platform 45 in Figure 7) rotatable about a first axis (see how platform 45 allows the display to rotate in a forward and backward tilt direction as shown in Figure 16).

Chung also discloses a second platform part (see platform 39 in Figure 7) within which said first platform part is rotatably mounted (see platform 45, which is within the second platform 39 of Figure 7, and note that since platform 45 can rotate around a first axis (see above) and is also within the second platform, then the first platform is therefore rotatably mounted) for rotation about a second axis (also note that the second platform 39 can be moved up and down, therefore the first platform, while rotating about a first axis (forward and backward tilt direction), the first platform is also rotatable around the axis that can be moved up and down).

Chung also discloses that at least one of a first motor (see motor M5 in Figure 7) and first sensor (see gear 46 in Figure 7) fixed to said first platform part (platform 45 in Figure 7) for rotationally driving and sensing rotations (see Column 5, Lines 23-25 for motor M5 rotationally driving gear 46, which senses the rotations of the motor), respectively, of said first platform part about said first axis (see Figure 16 for moving the first platform about the first axis using motor M5 and gear 46).

Referring to claim 29, Chung discloses a display device (see display mount device 1 in Figure 1).

Chung also discloses a display 2 (see Figure 7) mounted on a first platform part (see platform 45 in Figure 7) rotatable about a first axis (see how platform 45 allows the display to rotate in a forward and backward tilt direction as shown in Figure 16).

Chung also discloses a second platform part (see platform 39 in Figure 7) within which said first platform part is rotatably mounted (see platform 45, which is within the

Art Unit: 2614

second platform 39 of Figure 7, and note that since platform 45 can rotate around a first axis (see above) and is also within the second platform, then the first platform is therefore rotatably mounted for rotation about a second axis (also note that the second platform 39 can be moved up and down, therefore the first platform, while rotating about a first axis (forward and backward tilt direction), the first platform is also rotatable around the axis that can be moved up and down).

Chung also discloses a third platform (outer case 3 in Figure 7) within which said second platform part (platform 39 being within outer case 3 in Figure 7) is rotatably mounted for rotation about a third axis (see wheels 11, 11' and 10 in Figures 7 and 18, which cause rotation about a third axis and note that since platform 39 is mounted within outer case (third platform) 3, then the second platform is rotatably mounted within the third platform).

Chung also discloses that at least one of a first motor (see motor M5 in Figure 7) and first sensor (see gear 46 in Figure 7) fixed to said first platform part (platform 45 in Figure 7) for rotationally driving and sensing rotations (see Column 5, Lines 23-25 for motor M5 rotationally driving gear 46, which senses the rotations of the motor), respectively, of said first platform part about said first axis (see Figure 16 for moving the first platform about the first axis using motor M5 and gear 46).

Referring to claim 30, Chung discloses a second motor (see motor M6 in Figure 7) and second sensor fixed (see gear 28c in Figure 7) to said second platform part (see platform 39 in Figure 7) for rotationally driving and sensing rotations (see Column 5, Lines 29-50 for rotationally driving the motor which allows gear 28c to sense rotations

Art Unit: 2614

and help guide up and down movement), respectively, of said second platform part about said second axis (see Column 5, Lines 29-50 for the motor M6 and gear 28c for providing the rotational driving a sensed rotations, which cause platform 39 to move about a second axis (up and down)).

Referring to claim 31, Chung also discloses a third motor (see motor M2 in Figure 7) and third sensor (see gear 20b in Figure 7) fixed in said third platform (see motor M2 and gear 20b being inside third platform 3 in Figure 7) for rotationally driving and sensing rotations (see Column 6, Lines 29-54 for rotationally driving the motor M2 and sensing rotations by gear 20b), respectively of said second platform part about said third axis (see again Column 6, Lines 29-54 and Figure 18 for moving the second platform within the third platform about a third axis).

Referring to claim 32, see the rejection of claim 28 and further note that Chung discloses that the display has hand grips for use by a user in placing hands thereon (see circular speakers 8 installed on each side of the display (see Column 2, Lines 65-66)). Note that a viewer could inherently use the protruding speakers as hand grips in order to move or adjust the position/location of the display device.

Referring to claim 22, see the rejection of claim 29.

Referring to claims 23 and 24, note that the first, second and third axes are perpendicular (and mutually perpendicular), because all of the axes move in a direction opposite to each. For example, the first axes moves in the direction described in Figure 16 and the third axes moves in a direction shown in Figure 18, these directions are perpendicular to each other.

Art Unit: 2614

Referring to claim 26, Chung discloses a viewport C in Figure 1, which the user must place his or her eyes thereon in order to view the display.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce
Patent Examiner
Art Unit 2614

July 25, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/177,356	Applicant(s) MAGUIRE, JR., FRANCIS J.	
	Examiner Jason P Salce	Art Unit 2611	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 29 September 2004 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

see Office Action.